

ENTERED

August 01, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Virginia Hawthorne,
Plaintiff,

§
§
§

v.

§ Civil Action H-17-2350
§
§

KS Management Services, LLC,
d/b/a Kelsey-Seybold Clinic,
Defendant.

§

ORDER

Pending before the court is Plaintiff Virginia Hawthorne's Motion for Reconsideration of the court's order on attorneys' fees. ECF No. 99. At a hearing held on July 27, 2022, the parties requested that the court rule on the Motion for Reconsideration on the record as it stands. Defense counsel stated that she does not intend to respond to the motion. Because there is no response to the motion, it is deemed unopposed. *See* Local Rules for the Southern District of Texas LR 7.4 ("Failure to respond to a motion will be taken as a representation of no opposition.").

Because an attorney's unopposed requested hourly rate is generally assumed to be *prima facie* reasonable, the court will grant the Motion for Reconsideration but expressly makes no further findings with respect to reasonableness beyond those already set forth in the Order on Motion for Attorney's Fees, ECF No. 98. *Cf. Shaw v. Ciox Health LLC*, Civil Action No. 19-14778, 2021 WL 928032 at *2 (E.D. La.

Mar. 11, 2021) (awarding the requested, uncontested hourly rate but expressly making no finding that the rate was reasonable).

In its previous order, the court reduced the requested attorney's fees by 10.75 hours to account for Mr. Sinkule's travel time and applied a multiplier of 90%. ECF No. 98. Using the same math with the now unopposed rates results in an attorney's fee award of \$158,962.50. The court already concluded that litigation costs in the amount of \$8,310.20 should be awarded.

It is therefore ORDERED that the motion for reconsideration, ECF No. 99, is GRANTED. Plaintiff is awarded \$158,962.50 in attorney's fees and \$8,310.20 in litigation costs.

Signed at Houston, Texas, on August 1, 2022.



Peter Bray
United States Magistrate Judge